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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 IN RE: Bard IVC Filters Products Liability
9 Litigation,
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No. MDL 15-02641-PHX DGC

CASE MANAGEMENT ORDER
NO. 27

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14 The Court held an eleventh case management conference on October 5, 2017. The
15 conference addressed ongoing matters identified in the parties' joint report. Doc. 7854.

16 **A. Privilege Issues.**

17 Defendants asked the Court to require Plaintiffs to include in their privilege log
18 any communications withheld from production that occurred between experts, even if
19 they included a lawyer. After discussion, the Court declined to require a privilege log.
20 Instead, Plaintiffs shall provide the Court all such communications that they have
21 withheld, for *in camera* review. The Court will randomly select ten communications and
22 review them for privilege. Plaintiffs shall provide these documents on or before
23 **October 13, 2017.**

24 Defendants also expressed concern about the method used for collecting email
25 communications among Plaintiffs' experts at Northwestern University. The Court
26 directed Plaintiffs' counsel to communicate with these experts, particularly in light of one
27 email that was provided by Defendants at the hearing, to ensure that all communications
28 have been produced. Plaintiffs shall do so no later than **October 13, 2017.**

1 **B. Motion Hearings.**

2 The Court will hold motion hearings on **November 17, 2017 at 1:00 p.m.,**
 3 **December 15, 2017 at 1:00 p.m.,** and **January 19, 2018 at 1:00 p.m.** These hearings
 4 will concern pending *Daubert* motions, motions to disqualify experts, and motions for
 5 summary judgment. The motion for summary judgment on preemption will be heard on
 6 **November 17, 2017 at 1:00 p.m.** The parties shall meet and confer regarding the
 7 motions to be heard on these dates and shall submit their joint proposal to the Court by
 8 **October 13, 2017.**

9 **C. Scheduling of Bellwether Trials.**

10 The Booker bellwether trial will be held on **March 13-16, 20-23, and 27-30,**
 11 **2018.** The Jones bellwether trial will be held on **May 15-18, 22-25, and 29-30, and**
 12 **June 1, 2018.** The Court will schedule other bellwether trials, and will set dates for final
 13 pretrial conference in Booker and Jones, at coming status conferences.

14 **D. Science Day.**

15 The Court held a “science day” on October 5, 2017. The parties agreed at the
 16 beginning of the discussion that it need not be on the record. Each side presented
 17 relevant information in support of their position on various science issues in the case.
 18 Each side also presented some information supporting their liability arguments in the
 19 case. The Court listened for the purpose of understanding issues it will need to address in
 20 upcoming motions hearings. The Court formed no view on the question of liability or the
 21 merits of any motion as a result of the hearing, and returned all exhibits to the parties at
 22 the end of the discussion.

23 **E. Plaintiffs’ Motion for Partial Summary Judgment.**

24 Plaintiffs have filed a for summary judgment motion in the Jones case. Doc. 7363.
 25 Defendants stated at the conference that they have no opposition to the granting of the
 26 motion. The Jones Plaintiffs’ motion for partial summary judgment on Defendants’
 27 thirteenth affirmative defense (Doc. 7363) is therefore **granted.**

The Court informed the parties of a matter it was exploring to ensure that recusal was not necessary. The Court has completed that inquiry and concludes that recusal is not necessary.

The Court will hold a status conference after the motions arguments on November 17, 2017 at 1:00 p.m. The parties shall file a joint status report on or before **November 14, 2017.**

David G. Campbell

David G. Campbell
United States District Judge